

Appl. No. : **10/070,870**
Filed : **November 14, 2002**

REMARKS

The Applicant acknowledges the Examiner's withdrawal of the previous drawing objections and rejections under 35 U.S.C. §102 (b) and 35 U.S.C. §103(a) of the previous Office Action. In this Office Action, the Examiner rejects claims 1, 3-5, and 8-14 under 35 U.S.C. § 103(a) as being unpatentable over Cockburn (U.S. Patent No. 6,041,930) in view of Coggsell (U.S. Patent No. 5,529,188). The Applicant has carefully reviewed both the Cockburn '930 and the Coggsell '188 references and respectfully notes the following differences between the combined disclosures of Cockburn and Coggsell with respect to the Applicant's claimed invention as amended by this paper.

The Applicant notes that Cockburn teaches a three layer breakable sachet including a semi-rigid plastic layer 11 with which a flexible plastic layer 12, another flexible layer 13 is sandwiched. The flexible layers 12 and 13 together define a reservoir 14 to contain a liquid or paste 19. The semi-rigid plastic layer 11 incorporates a transverse score 15 to provide a predictable fracture line so that when ends 17 and 18 of the sachet are drawn together the reservoir may be compressed between the two halves. The transverse score 15 acts as a weak point and the semi-rigid plastic layer 11 will cleanly fracture along that line. A hole 16 is located in layer 13 proximate the transverse score 15. When the ends 17 and 18 are drawn together, the reservoir 14 is compressed and the liquid or paste 19 contained therein is forced out of the hole 16 and on to the article desired. (See Figures 2, 3, and 4 and column 3, lines 23-57)

Cockburn '930 offers additional details on the construction and relative relationship of the various components of the sachet with reference to Figure 5 and corresponding description related to the method of manufacture of the Cockburn sachet. More particularly, Cockburn describes how the sachet is made from three layers 31, 32, and 33 fed from continuous rolls 25, 26, and 21 respectively. The middle layer 31 has an aperture formed therein by means of a device 24. This forms the holes 16 in the intermediate flexible layer 13 of the Cockburn sachet. The spacing and location of the holes is calculated based on the sachet dimensions and the location of the fracture point or score 15 in the semi-rigid layer 11 formed from the layer 33. Layers 31 and 33 are continuously fed to heated rollers 22 and 23 wherein they are thermally bonded together. Layer 32 is continuously fed to heated rollers 34 and 35 where layer 32 is thermally bonded to a continuous portion of the surface of layer 31. Heated roller 34 is shaped

Appl. No. : 10/070,870
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so that with continuous movement of the layers through the rollers, only the edges of the layer 32 are bonded to the aforementioned layers so that a lengthwise continuous reservoir is formed below the heated rollers 34 and 35.

The Applicant respectfully notes that Cockburn '930 teaches that the semi-rigid layer 33 is continuously thermally bonded with the intermediate layer 31 except in the regions of the holes 16 wherein the intermediate layer 31 is absent. As the material from the layer 31 which eventually forms the intermediate flexible layer 13 of the Cockburn sachet has a void defined by the holes 16, the Cockburn reference clearly fails to teach "a rupturable portion of the second layer such that upon a first rupture of the aperture region, the second sub-aperture ruptures to form a releasably sealable channel..." (Claim 1 as currently amended). The rupturable portion of the Applicant's invention is absent in the Cockburn reference.

With respect to the Coggsell '188 reference, the Applicant notes that Coggsell discloses a child resistant blister package having a two or more adjoining compartments for storage and dispensing of medicaments. A user applies pressure to the Coggsell package to shift the medicament from a storage compartment to a dispensing compartment and further application of pressure will urge the medicament out of the dispensing compartment for use. Coggsell '188 discloses intersecting score lines 30 in the shape of an X formed in a foil layer and a tab 32 scored or die cut in a paper layer in the shape of a U. This forms a weakened area in a lower portion 14 of a second compartment to facilitate rupture of the lower portion such that the medicament can be extracted from the Coggsell '188 package.

The Applicant respectfully finds no motivation in the Cockburn '930 reference to combine the teachings of Coggsell '188 with respect to the scored lines 30 and or tab 32 as the Cockburn '930 sachet already possesses a hole 16 to facilitate excursion of the liquid or paste 19. However, even should such a combination of the disclosures of Cockburn '930 and Coggsell '188 be attempted, the Applicant believes that such a combination would exhibit undesirable characteristics with respect to the release of any liquid, paste, or medicament contained in such a sachet and would not result in the Applicant's claimed invention as amended by this paper. More particularly, the Applicant notes that if the holes 16 of the Cockburn '930 sachet were omitted and replaced with either the score lines 30 and/or the tab 32 disclosed in Coggsell '188 the resulting structure would include a continuous intermediate flexible layer 13 continuously

Appl. No. : **10/070,870**
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thermally bonded with the semi-rigid layer 11 with the addition of score lines 30 and/or a tab 32 as disclosed by Coggsell '188. Again, the Applicant notes that Cockburn discloses that the intermediate layer 13 is continuously thermally bonded to the semi-rigid layer 11 resulting from the source layers 31 and 33. Neither of the Cockburn nor Coggsell references teach or suggest any structure or method of forming such a structure where the intermediate layer 11 defines an aperture with a rupturable portion to form a sealable channel. More particularly, upon initial breakage of the semi-rigid layer 11 of Cockburn as possibly modified by Coggsell, the intermediate layer 13 would simply bend maintaining the reservoir 14 sealed thereby inhibiting release of the liquid or paste 19. At best, the intermediate layer 13 may tear along the score line 30 and/or tab 32 so as to define a slit-like opening which would not fulfill the stated purpose of Coggsell of releasing a medicament, illustrated as a tablet or capsule, nor the function of Cockburn to release a liquid or paste 19 as facilitated by the hole 16 of the unmodified Cockburn reference.

Thus the Applicant strongly believes that even if taken together, the Cockburn '930 and Coggsell '188 references fail to teach or suggest "a sachet comprising a tray portion to which is non-releasably sealably affixed a composite re-sealably sealable structure...said composite releasably sealable structure including an aperture region therein said aperture region comprising a first sub-aperture region in said first layer in communication with a second sub-aperture region located in said second layer, said second sub-aperture region comprising a rupturable portion of the second layer such that upon a first rupture of the aperture region, the second sub-aperture ruptures to form a releasably sealable channel and wherein said first layer is sealed to said second layer around said aperture region to form an annular seal surrounding said aperture region, said annular seal remaining intact after the first rupture of said aperture region" (Claim 1 as currently amended). In particular, the Applicant notes that Cockburn '930 teaches a hole in a flexible intermediate film layer, not a rupturable aperture as in the Applicant's claimed invention. Coggsell '188 teaches score lines 30 in the shape of an X and a tab 32 in the shape of a U, neither of which is releasably sealable once ruptured. Further, the Applicant notes that neither Cockburn nor Coggsell teach or suggest forming an annular seal surrounding said aperture region. Cockburn teaches either a continuous thermal bond between adjacent layers except in regions where one of the layers is absent, e.g. the holes 16 or sealing along external edges.

Appl. No. : **10/070,870**
Filed : **November 14, 2002**

Coggsell '188 also fails to disclose forming an annular seal surrounding an aperture region as in the Applicant's claimed invention.

The Applicant respectfully notes that similar amendments are made to Claims 6, 8 and 11 to clarify what the Applicant regards as the invention. Thus, the Applicant believes that independent claims 1, 6, 8, and 11 as currently amended are patentable under the requirements of 35 U.S.C. § 103(a) over the combined disclosures of Cockburn '930 and Coggsell '188. The Applicant has also reviewed the Sengewald '694 and Weaver Jr. '920 references cited by the Examiner under 35 U.S.C. § 103(a) against claims 6, 7, and 15 and Claim 2 respectively. The Applicant believes that these references taken independently or with the Cockburn '930 and Coggsell '188 references taken in any possible combination also fail to teach or suggest the limitations of the Applicant's claimed invention as claimed by claims 1, 6, 8, or 11 and that these claims are thus patentable under the requirements under 35 U.S.C. § 103(a) over the cited references. The Applicant believes that the claims depending respectively from these independent claims properly further define the claimed invention and are thus also patentable.

Appl. No. : **10/070,870**
Filed : **November 14, 2002**

SUMMARY

From the foregoing, the Applicant believes that the subject application as currently amended is patentable under the requirement of 35 U.S.C. § 103(a) over the Cockburn '930, the Coggsell '188, the Sengewald '694 and Weaver, Jr. '920 references taken independently or any possible combination. The Applicant thus believes that the subject application is in condition for allowance and respectfully requests prompt issuance of a notice of allowability. The Applicant believes that this paper is fully responsive to the objections made by the Examiner in the Office Action, however, should there remain any further impediment to the allowance of this application that might be resolved by telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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